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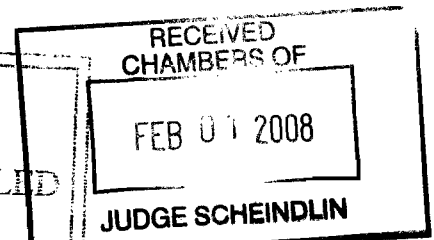
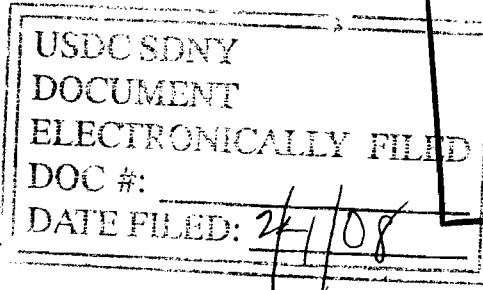
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February 1, 2008

VIA FACSIMILE (212-805-7920)

Honorable Shira Scheindlin
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007



Re: **Bitterman v. Berkshire Life Insurance Company**
Docket No. 07-Civ-11061 (SAS)
Our File No.: 4060.2001

Dear Judge Scheindlin:

We are the attorneys for plaintiff Stuart Bitterman in the above-captioned matter.

On February 5, 2008, when this matter is on for pre-trial conference before Your Honor, I will be actually engaged in the United States Court of Appeals for the Eleventh Judicial District *Circuit* in a mediation on a matter entitled *AXA Equitable Life Insurance Company v. Wells Fargo Bank*, Appeal No. 07-14682-BB.

It is respectfully requested that the pre-trial conference be adjourned for a few days. In the alternative, if it is acceptable to the Court, an associate from my office will appear for the pre-trial conference.

*Plaintiff's request is granted.
The conference previously scheduled
for Feb. 5, 2008 is adjourned
to Feb. 14, 2008, at 4.30 p.m.*

Very truly yours,

SCHINDEL, FARMAN, LIPSIOUS,
GARDNER & RABINOVICH, LLP

Date: Feb. 1, 2008

ISL:bl

SP ORDERED
Shira A. Scheindlin, USDJ

Ira S. Lipsius